

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

MCKINNEY SQUARE
PROPERTIES NO 1 LTD

Plaintiff,

v.

CIVIL ACTION NO. 3:16-cv-00956-M

SENECA INSURANCE
COMPANY, INC.; LEVELFIRST,
LLC; WALDMAN BROS. L.L.P.

Defendants.

STIPULATION OF DISMISSAL

TO THE HONORABLE COURT: NOW COME Plaintiff MCKINNEY
SQUARE PROPERTIES NO 1 LTD and remaining Defendants SENECA
INSURANCE COMPANY, INC.; LEVELFIRST, LLC and file this Stipulation of
Dismissal under Federal Rule of Civil Procedure 41(a)(1)(A)(ii), and would show the
Court the following:

1. Plaintiff is MCKINNEY SQUARE PROPERTIES NO 1 LTD.
2. The Defendant being dismissed by stipulation is LEVELFIRST, LLC;

3. On February 25, 2016 Plaintiff filed its lawsuit in State Court. The named defendants included Defendant LEVELFIRST, LLC..
4. The case was removed to this court on April 6, 2016. (Doc 1).
5. On April 15, 2016 Plaintiff filed a Notice of Dismissal which dismissed WALDMAN BROS. L.L.P upon filing. (Doc 5).
6. LEVELFIRST, LLC; was served with process in the state court proceeding and LEVELFIRST, LLC subsequently served an answer in state court to the Plaintiff's petition.
7. All current parties who have appeared, hereby agree to the dismissal Defendant LEVELFIRST, LLC by this stipulation and pursuant to FRCP of via the signatures of counsel or the provision of authority to sign with permission as noted below.
8. Plaintiff moves to dismiss Plaintiff's suit as to Defendant LEVELFIRST, LLC.
9. This case is not a class action under Federal Rule of Civil Procedure 23, a derivative action under Rule 23.1, or an action related to an unincorporated association under Rule 23.2.
10. A receiver has not been appointed in this case.
11. This case is not governed by any federal statute that requires a court order for dismissal of the case.
12. Plaintiff has not previously dismissed any federal- or state-court suit based on or including the same claims as those presented in this case.

13. Only Defendant LEVELFIRST, LLC is dismissed from by this stipulation of dismissal.
14. This dismissal is without prejudice.

PARTIES AGREEMENT TO STIPULATION OF DISMISSAL

The following remaining parties in this lawsuit, SENECA INSURANCE COMPANY, INC. and LEVELFIRST, LLC, through their attorneys of record, by affixing their signatures below, or agreeing to have their signature added via permission, agree to the Stipulation of Dismissal dismissing, without prejudice, Defendant LEVELFIRST, LLC and understand that upon the filing of this stipulation of dismissal, LEVELFIRST, LLC will be dismissed without prejudice without any further action by the U.S. District Court.

Mr. Richard E. Schellhammer
ATTORNEY AT LAW
Texas Bar Number: 17736860

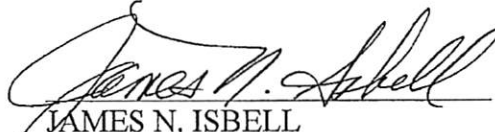

RICHARD E. SCELLHAMMER,

Lead Attorney of Record for
Defendant, LEVELFIRST, LLC

DATE:

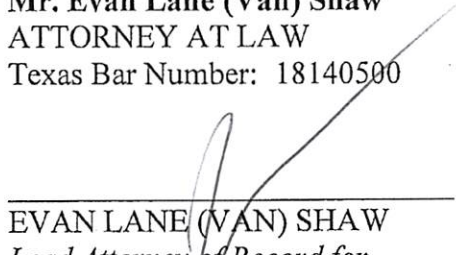
4/18/2016

Mr. James N. Isbell
ATTORNEY AT LAW
Texas Bar Number: 10431900


JAMES N. ISBELL
Lead Attorney of Record for
Defendant, SENECA INSURANCE
COMPANY, INC.

DATE: April 20, 2016

Mr. Evan Lane (Van) Shaw
ATTORNEY AT LAW
Texas Bar Number: 18140500


EVAN LANE (VAN) SHAW
Lead Attorney of Record for
Plaintiff, MCKINNEY SQUARE
PROPERTIES NO 1 LTD

DATE: 4/21/16

Respectfully submitted,

/S/ JANET R. RANDLE

EVAN LANE (VAN) SHAW
Bar Card No. 18140500
JANET R. RANDLE
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ATTORNEY FOR PLAINTIFF

CERTIFICATE OF SERVICE

The undersigned certifies that a copy of the foregoing instrument was served upon the attorneys of record of all parties to the above cause via the ECF system in accordance with the Federal Rules of Civil Procedure, on this 21st Day of April, 2016.

/s/ JANET R. RANDLE

JANET R. RANDLE